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FACSIMILE TRANSMITTAL SHEET

TO: ART UNIT 3721 BEFORE FINAL COMMUNICATIONS FROM: Roger J. French
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COMPANY: U.S. PATENT &
TRADEMARK OFFICE

DATE: March 9, 2005

FAX NUMBER: 703-872-9306

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COVER: 4

PHONE NUMBER: 571-272-4464

RE: Application Serial No. 10/653,038
Atty Docket No. 13819.71

NOTES/COMMENTS:

Application Serial No: 10/653,038

Title of Invention: Carriage Strip Advancing Mechanism For Fastener Driving Tool

Inventors: **Michael S. POPOVICH et al.**

Contents:

Transmittal Form (1 pg)

Request for Clarification (2 pgs)

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PTO/SB/21 (09-04)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

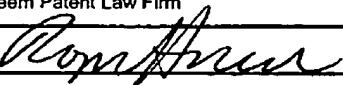
Application Number	10/653,038
Filing Date	August 29, 2003
First Named Inventor	Michael S. Popovich, et al.
Art Unit	3721
Examiner Name	Michelle Lopez
Attorney Docket Number	13821

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ENCLOSURES (Check all that apply)

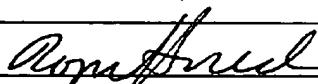
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Beem Patent Law Firm		
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Printed name	Roger J. French		
Date	March 9, 2005	Reg. No.	27,786

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Signature			
Typed or printed name	Roger J. French	Date	March 9, 2005

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Mar 09 05 04:03p

Richard P. Beer

312-201-0022

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PATENT
ATTY DOCKET NO. 13819.71

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:	Michael S. Popovich et al.)	Certificate of Transmission
Title:	Cartridge Strip Advancing Mechanism For Fastener Driving Tool)	I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number 703-872-9306 on the date indicated below.
Serial No:	10/653,038)	Signed: <u>Roger J. French</u> Roger J. French
Confirm. No:	1541)	Dated: March 9, 2005
Filing Date:	August 29, 2003)	
Group:	3721)	

Examiner: Michelle Lopez

703-872-9306
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CLARIFICATION

Applicant requests clarification of the Office action mailed 02/24/2005. Specifically, clarification is requested regarding the nonstatutory double patenting rejection under the judicially created doctrine of obviousness-type double patenting. In this rejection, the Examiner cites claims of U.S. patent number 6,547,120 "in view of Popovich et al." It is not clear to Applicant, to what document the Examiner is referring as "Popovich et al. Nor does the Examiner mention "Popovich et al." in the remainder of the statement of rejection. It is noted that at least two references of record appear as "Popovich et al.", namely, U.S. patent number 6,059,162 and European patent 1,197,301.

In addition, the Examiner cites in the statement of rejection claims 1-3, 5, 11-14 and 17-18 of U.S. patent number 6,547,120. However, the statement of the grounds of rejection which follow refer only to claim 1 of this patent.

S/N 10/653,038
AMENDMENT

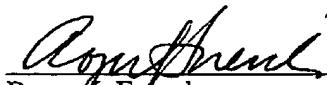
ATTY DOCKET NO. 13819.71

It is respectfully requested that the Examiner clarify a) what document is being referred to as "Popovich et al.", b) in what manner this document is being applied in the double patenting rejection, and c) in what manner claims 3, 5, 11-14 and 17-18 of US patent number 6,547,120 are being applied in the double patenting rejection.

It is further requested that the Examiner issue a new office action clarifying the foregoing, and starting a new period for response.

Respectfully submitted,

Dated this 9th day of March, 2005.



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